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9 OCTOBER 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden.</u>
		3317	Great Secret Diary of Manchuria	30392	
644-C		3317-A	Excerpt therefrom		30392
		3318	Great Secret Diary of Manchuria	30394	
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644-D		3319	Telegram from the Chief of Staff of the Kwan- tung Army to the Vice- Minister of War, dated 18 October 1935		30402

Thursday, 9 October 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE R. B. PAL, Member
from India, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International Military
2 Tribunal for the Far East is now in session.

3 THE PRESIDENT: Judge Nyi.

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5 S E I S H I R O I T A G A K I, an accused, resumed
6 the stand and testified through Japanese inter-
7 preters as follows:

8 CROSS EXAMINATION

9 BY JUDGE NYI (Continued):

10 Q Mr. ITAGAKI, do you recall that DOHIHARA was
11 in North China in November, 1935?

12 A Yes.

13 Q Was he sent by the Kwantung Army?

14 A Yes, on the orders of the Commander in Chief
15 of the Kwantung Army.

16 Q Were you the Vice-Chief of Staff at that time?

17 A Yes.

18 Q Did you have the duty to know, to be informed,
19 about the operations and the movements of troops?

20 A The Vice-Chief of Staff also held concurrently
21 the duties of an assistant military attache of the
22 embassy and, of course, as Chief of Staff was in a
23 position to know of those movements, and to give
24 orders, but as for myself as Vice-Chief of Staff, I
25 had no power to make decisions and --

1 Q You are not answering my question. I do not
2 ask you whether you had the power to make decisions.
3 I just asked you whether you knew about the movements
4 of troops and the operations planned.

5 A I was not in a position to know all.

6 Q But you knew certainly the major movements,
7 did you?

8 A I was not in a position, necessarily, to know
9 of all military movements.

10 Q You are only repeating your answer. What was
11 the nature of DOHIHARA's mission in North China?

12 A Before DOHIHARA was sent to North China on
13 orders of the Kwantung Army I believe that extensive
14 consultations with the central military authorities
15 were held. On this occasion when he went to North
16 China there was a regime there headed by Huang-fu.
17 We had heard that there was a desire on the part of
18 the people of North China that a new regime be estab-
19 lished after the withdrawal of that regime. The
20 Kwantung Army had always, from the standpoint of
21 national defense, been concerned with national defense
22 against the Soviet Union and therefore the main
23 objectives of the Kwantung Army were always directed
24 northward toward the Soviet Union --

25 Q Now, wait a minute, Mr. ITAGAKI. You answer

1 my question in a straightforward way. We may come to
2 attending circumstances afterwards. Don't try to
3 explain them beforehand.

4 THE INTERPRETER: The witness added: "and in
5 other directions". He went as far as that.

6 Q What was his mission?

7 A I have been trying to get to that. And
8 therefore, as I have said, because the main concern
9 of the Kwantung Army was always directed to the
10 North, it was of the utmost importance that friendly
11 relations should be maintained with the countries to
12 the rear, the forces to the South, so that we could
13 obviate any feeling of anxiety regarding that direction.

14 Q What he went for. Get to it.

15 A As I have said, the people of North China
16 desired some kind of regime to succeed the Huang-fu
17 regime and therefore the purpose of DOHIMURA was to
18 make contacts with various people in North China to
19 arrive at an understanding with them and by concluding
20 friendly relations with them to enable the Kwantung
21 Army to feel secure in its rear. That was the purpose
22 for which he was sent.

23 Q Now, was it a fact that he went there to
24 demand a formal proclamation of the new autonomous
25 state by noon, November 20, 1935?

1 A That is not so.

2 Q That is not so. Was it a fact that the new
3 state would include the five northern provinces of
4 Hopei, Chahar, Shantung, Shansi and Suiyuan, with a
5 population of nearly one hundred millions in an area
6 nearly one-third of the size of the United States?

7 A Maybe the Chinese had some such plans.
8 However, I have not heard of them.

9 Q Do you remember that DOHIHARA threatened
10 the Chinese authorities that if the demand was not
11 accepted by noon, November 20, 1935 he would cause
12 Japanese troops to march into North China and to
13 remove Emperor Pu-Yi from Changchun to Peking?

14 A In view of the purpose of DOHIHARA's mission
15 it is impossible for me even to conceive that he ever
16 did such a thing -- in view of DOHIHARA's mission.

17 Q Did you read newspapers during that time?

18 A Do you mean Japanese newspapers?

19 Q Any kind of newspapers.

20 A I cannot say I read any kind of newspapers.

21 Q I do not mean that you read every kind of
22 newspaper; I say any kind, either Japanese or Chinese
23 or English or whatsoever?

24 THE PRESIDENT: The proceedings are being
25 interrupted by laughter. I donot know that the

1 Acting Marshal is aware of the fact. He has no
2 headphones. Proceed.

3 A The routine in connection with this was
4 that there was a staff officer in charge of reading
5 newspaper reports and all pertinent items were passed
6 on by him to me.

7 Q All right. Do you know that newspapers in
8 far distant countries were printing headlines as big
9 as that (indicating) about the Incident? Were not the
10 Japanese newspapers in Manchuria printing the same
11 news story? Did you see, or did you not? Answer.

12 A No.

13 Q Did the Kwantung Army mobilize its troops
14 and even air force in the middle of November 1935?

15 A In order to mobilize troops it is necessary
16 to gain the approval of central military authorities.
17 I cannot recollect that we ever took steps to request
18 such authorization.

19 JUDGE NYI: I ask that the accused be shown
20 IPE document 644-C.

21 (Whereupon, a document was shown to
22 the witness.)

23 Q You just have stated that it requires the
24 order of the Commander, and you received the order of
25 the Commander.

1 A I have finished looking through this document.
2 I have no recollection of ever having seen it.

3 Q Is that an official document, sent by the
4 War Minister?

5 A It seems to me that this is a report from
6 the Commander in Chief of the Kwantung Army to the
7 War Ministry.

8 Q Is that called the Secret Great Diary of
9 Manchuria?

10 A Yes.

11 Q And is this, the part which you are looking
12 at, the telegram from the Commander of the Kwantung
13 Army to the War Minister?

14 A Yes.

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1 Q Does it say, did it read that: "According
2 to the object described in separate telegram,
3 Kwantung Staff I, Telegram 762, we decided to con-
4 centrate a part of the forces outside the Great Wall
5 in order to suitably cooperate with the China Garrison
6 Army in case of need and issued orders at noon today,
7 the 12th, to take the following measures:"

8 Did it continue that: "The First Independ-
9 ent Infantry Regiment, one light tank company of the
10 Third Tank Battalion, one battalion of the 9th
11 Heavy Field Artillery Regiment and the First Inde-
12 pendent Engineer Company shall be placed under the
13 command of the Commander of the First Mixed Brigade
14 and shall be made to concentrate the forces near
15 Shanhaikwan by November 15 so as to be prepared for
16 advancing into North China. However, as to advancing
17 to the south of Shanhaikwan, same shall depend on
18 army orders."

19 Did it read that way?

20 A Yes, just as you say.

21 JUDGE NYE: Your Honor, we tender this in
22 like to have the parent document, the ~~MANCHURIAN~~ ~~SECRET~~
23 Secret Diary, marked for identification, from which
24
25

1 it was taken.

2 THE PRESIDENT: Parts of that diary have
3 already been so marked. This part may not have been.
4 If not, mark it for identification.

5 MR. BROOKS: This is a different volume from
6 any that has been offered, your Honor.

7 CLERK OF THE COURT: Document entitled,
8 "Great Secret Diary of Manchuria," will receive
9 exhibit No. 3317 for identification only.

10 (Whereupon, the document above
11 referred to was marked prosecution exhibit
12 No. 3317 for identification only.)

13 THE PRESIDENT: The excerpt is admitted
14 on the usual terms.

15 CLERK OF THE COURT: And the excerpt there-
16 from, being prosecution document No. 644-C, will
17 receive exhibit No. 3317-A.

18 (Whereupon, the document above
19 referred to was marked prosecution exhibit
20 No. 3317-A and received in evidence.)

21 THE PRESIDENT: We would like you to arrange
22 for simultaneous translations of lengthy passages used
23 in cross-examination.

24 JUDGE NYI: Yes, your Honor.

25 Q Was it a fact that the Kwantung Army had

1 issued an order on November 16, 1935, to mobilize
2 its air force and to be prepared for action by the
3 20th of November, 1935? That was three days after
4 the former document -- four days, excuse me.

5 A To tell you the truth, I am afraid I have
6 no exact recollection in matters pertaining to the
7 army -- to troops.

8 Q Exact recollection or any recollection?

9 A Anyway I don't recollect that.

10 JUDGE NYI: Your Honor, at this time may the
11 witness be shown IPS document 1242-C?

12 Q Was it not an order issued by the Kwantung
13 Army?

14 A Yes.

15 Q Was it signed by General MINAMI, Commander
16 of the Kwantung Army?

17 A There is no signature.

18 Q Was it purported to be his order?

19 A It states, "Kwantung Army Order."

20 Q He was Commander, was he?

21 A Yes.

22 JUDGE NYI: Your Honor, we tender in evidence
23 IPS document 1242-C.

24 MR. BROOKS: I ask that the parent volume be
25 marked for identification.

JUDGE NYI: We have no objection.

1 CLERK OF THE COURT: Prosecution document
2 No. 1242, being the Great Secret Dairy of Manchuria,
3 will receive exhibit No. 3318 for identification only.
4

5 (Whereupon, the document above
6 referred to was marked prosecution exhibit
7 No. 3318 for identification only.)

8 THE PRESIDENT: The excerpt is admitted on
9 the usual terms.

10 CLERK OF THE COURT: The excerpt therefrom,
11 being prosecution document No. 1242-C, will receive
12 exhibit No. 3318-A.

13 (Whereupon, the document above
14 referred to was marked prosecution exhibit
15 No. 3318-A and received in evidence.)

16 JUDGE NYI: I read the whole of the document,
17 which is a short one:

18 "Top Secret - Received by War Ministry/
19 Rikuman Mitsu Ju No. 1106 (seals) Kan Saku Rei
20 No. 731 - Orders of the Kwantung Army - Issued by
21 Kwantung Army Headquarters at Hsinking, November 16,
22 1935 - 6:30 p.m.

23 "1. In view of the subsequent situation in
24 North China, the Army intends to gather part of its
25 air force outside Shanhaikwan.

1 "2. The commander of the Air Forces shall
2 order scout planes, fighters, heavy bombers, each
3 forming two squadrons and commanded by regiment
4 commanders, to advance between Shanhaikwan, Suichung
5 and Chinchou by the 20th of November and to make
6 preparations for marching towards Peiping-Tientsin
7 area.

8 "3. The Railway Line Sector Commanders of
9 the Kwantung Army shall dispose railway transportation
10 service in order to facilitate the transference of
11 the said air squadrons.

12 "4. I am in Hsinking.

13 "Commander of the Kwantung Army,

14 "General MINAMI."

15 I omit the rest of this document.

16 Q Now, Mr. ITAGAKI, after reading these two
17 documents do you recall anything of that sort?

18 A According to my recollection I did hear
19 later that there had been troop movements; however,
20 I understood then that these were ordinary peacetime
21 movements.

22 Q And it required movement of air troops?

23 A I did not hear of that until later.

24 Q Now, Mr. ITAGAKI, when you were the Vice
25 Chief of Staff and subsequently Chief of Staff of the

1 Kwantung Army, did not the Kwantung Army interfere
2 with the internal affairs of Manchukuo?

3 THE PRESIDENT: Captain Brooks.

4 MR. BROOKS: I wish to object to the question
5 as calling for a conclusion of the witness on this
6 matter. It is a matter in the province of the Court
7 to determine the effect of the Japanese Army's being
8 in Manchuria under the Japan-Manchukuo Protocol.

9 JUDGE NYI: Your Honor, in our submission
10 this is purely a matter of fact, whether or not the
11 Kwantung Army interfered with the internal administra-
12 tion of Manchukuo.

13 THE PRESIDENT: The word "interference" is
14 the objectionable term. You may ask him, or put to
15 him that the Kwantung Army did this, that and the other
16 thing in relation to Manchukuoan affairs.

17 JUDGE NYI: I will, thank you.
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1 Q Did the Kwantung Army have control over the
2 railroads, harbors, and the water transportation in
3 Manchukuo?

4 A Within the limits of the appendix attached
5 to the Japan-Manchukuo Protocol. However, I don't
6 think the word "control" is appropriate. I believe
7 that many of these were joint Japan-Manchukuo enter-
8 prises.

9 Q Were the railroads and the harbors and water
10 transportation joint enterprises?

11 A Among the appendixes to the Japan-Manchukuo
12 Protocol, there is the so-called HONJO - Pu-Yi Agree-
13 ment. In a clause of this agreement, it is stated
14 that since Japan is to take charge of the national
15 defense, various facilities necessary in a military
16 sense, such as railways, harbors and water transpor-
17 tation, would be in the custody of the Japanese --
18 administered by the Japanese, and the Manchukuoan
19 authorities recognized this fact.
20

21 THE INTERPRETER: Correction: Not Manchukuoan
22 authorities; the government itself, Manchukuo,
23 recognized this fact -- agreed to this fact.

24 A (Continuing) And, therefore, although the
25 Manchukuoan railroads were owned by a Manchukuoan
company, their operation was entrusted to the South

1 Manchuria Railway Company.

2 JUDGE NYI: Your Honor, I ask the witness be
3 shown IPS document 644-D.

4 Q Is that a telegram from the Chief of Staff of
5 the Kwantung Army to the Vice-Minister of War?

6 A Yes. It is not a telegram; it is a document.

7 JUDGE NYI: Your Honor, we tender in evidence
8 exhibit 3317, Item D.

9 MR. BROOKS: If your Honor please, I ask that
10 the parent document be marked, and I want to object
11 to the excerpt.

12 I was mistaken. I understand it has been so
13 marked, the parent document.

14 THE PRESIDENT: This is an excerpt from the
15 exhibit.

16 MR. BROOKS: Yes. I wish to object to the
17 excerpt, IPS document 644-D, on the ground that in
18 itself it is of such a general nature, and the basis
19 for this telegram, if it is authentic -- which I am
20 not admitting because I have not had a chance to check -
21 it seems to be that a statement of accounts for 1934
22 of certain railways is being discussed. Since Japan
23 had certain railroad interests in there, there is no
24 showing whether this is one specific railroad or all
25 and I think it has very little probative value and to

1 be objectionable on the basis that it does not either
2 tend to prove or disprove anything on its face, and
3 that this is, therefore, irrelevant and immaterial
4 to the matters in issue in this case. The exhibit is
5 not even sufficient for the Court to make any pre-
6 sumption thereon or to use it in any other way that I
7 can see. Therefore, I object to it.

8 THE PRESIDENT: Your objection is on behalf
9 of MINAMI?

10 MR. BROOKS: That is right, sir.

11 THE PRESIDENT: There is no objection as
12 regards ITAGAKI. It could be admitted against one and
13 not against the other. In respect of all the accused,
14 the witness can clear up the matter by a simple answer:
15 Do the accounts purport to relate to all the railways
16 or only those owned by Japan?

17 JUDGE NYI: Your Honor, this document will
18 prove the part played by the Kwantung Army in the
19 administration of railroads, harbors and water trans-
20 portation, even to the extent of approval of the state-
21 ment of accounts. It will throw light as to whether
22 or not the Kwantung Army interfered with the internal
23 administration of Manchukuo.

24 THE PRESIDENT: Not if it is confined to the
25 Japanese railway. We want that cleared up.

1 MR. BROOKS: My objection, your Honor, is
2 only on behalf of MINAMI, and it is to that point
3 that this statement of account does not show as to
4 what railways, and, therefore, as I see it, the prose-
5 cution has the burden of proof on these matters and
6 they should prove and show clearly the basis for it.

7 THE PRESIDENT: Would you care to ask the
8 witness a question to clarify the position?

9 JUDGE NYI: Yes.

10 Q Mr. ITAGAKI, do these railroads and harbors
11 and water transportation refer only to those railroads
12 owned by the Japanese?

13 MR. BROOKS: I object to that question, your
14 Honor, in that it may call for a conclusion of the
15 witness, if the proper basis is not shown, that he is
16 familiar with this telegram or that he is familiar with
17 these matters under consideration in the telegram.
18 Otherwise his answer might be a conclusion.

19 THE PRESIDENT: The objection is overruled.
20

21 My attention is directed to the words in
22 brackets: "including harbors and water transportation
23 under mandatory administration." I do not know what
24 that word "mandatory" means. It is the first time it
25 has been used in these proceedings, outside the Mandated
Islands.

1 But the witness will answer the question,
2 which was sustained. The question was, in effect:
3 Do those accounts refer to all railways or only to
4 those owned or controlled by the Japanese under
5 treaties? Answer, Witness.

6 THE WITNESS: As I have stated before, Japan
7 did have the powers of administration over the rail-
8 ways referred to here under treaty provisions. There-
9 fore, in the beginning the army had a Special Service
10 Department, and in this Special Service Department
11 there was a Communications Supervision Bureau. But
12 under General MINAMI, this bureau was abolished.

13 THE PRESIDENT: Did those accounts extend to
14 railways not administered by the Japanese in pursuance
15 of treaty rights?

16 A No, they were not.
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1 MR. BROOKS: If your Honor please, I should
2 like to add as to the point on harbors and water-
3 ways that Japan also had certain special treaty rights
4 under that, and it would enter under the same objec-
5 tion as the railroads.

6 JUDGE NYI: Now, may I ask that this docu-
7 ment be tendered in evidence.

8 THE PRESIDENT: You are relying for its
9 admission on what the witness has said about it?
10 That is the only foundation. He says it is confined
11 to Japanese-administered railways.

12 There is no objection as regards the accused
13 ITAGAKI; as against him we admit it as a matter of
14 course. But as regards the accused MINAMI, you have
15 not proved that it is relevant because of the limited
16 admissions made by the witness. As regards accused
17 not objecting to it, it is admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 644-D will receive exhibit No. 3319.

20 (Whereupon, the document above
21 referred to was marked prosecution exhibit
22 No. 3319 and received in evidence.)

23 JUDGE NYI: As the document has been fully
24 discussed in raising objection, I omit the reading
25 of it.

1 BY JUDGE NYI (Continued):

2 Q Mr. ITAGAKI, did the Kwantung Army have con-
3 trol over the revision of tariffs in Manchukuo?

4 A Control of tariffs belonged to Manchukuo.

5 Q So it is an internal matter, is it? You
6 admit it?

7 A Yes.

8 JUDGE NYI: I ask that the witness be shown
9 IPS document 644-F.

10 Q Is that a telegram from the Vice-Minister
11 to the Chief of Staff of the Kwantung Army?

12 A Yes.

13 JUDGE NYI: I ask that the document be
14 tendered in evidence.

15 MR. BROOKS: I want to object on behalf of
16 General MINAMI on the same ground as objected to the
17 other document. In addition this document shows in
18 the fifth line from the bottom it is in accordance with
19 some type of agreement, and I think that these details
20 that the learned prosecutor is going into are far be-
21 low the dignity of this Court on these matters.

22 THE PRESIDENT: The only test is whether
23 they are relevant and material and not repetitive.
24 But I have every sympathy with any attempt to prevent
25 the Court being submerged with details.

1 MR. BROOKS: I am making this objection, your
2 Honor, because I think that the broader points of the
3 joint Manchukuo-Japan Protocol and those things are of
4 more importance; and I hate to be submerged with a lot
5 of detail evidence that is below the dignity of those
6 broad problems. Furthermore, since the defense case is
7 practically prepared on many of these issues and the
8 prosecution are putting this document in -- it is not
9 by way of rebuttal; it is not by way of impeachment of
10 this witness -- and I say they have rested their case
11 and should be stopped from putting on further detail
12 evidence.

13 JUDGE NYI: Your Honor, in the first place, I
14 object to the use of the expression, "below the dignity
15 of the Court." We are proving the important issue whether
16 or not Manchukuo was independent. In the second place,
17 we are impeaching the credibility of the witness's testi-
18 mony because this contradicts his statement that he left
19 everything to the officials of Manchukuo.

20 THE WITNESS: This document needs explanation.

21 THE PRESIDENT: No objection that we can enter-
22 tain has been made. The objection must be based on one
23 of those three matters: that the document is not material
24 or is irrelevant or has no probative value, or is repeti-
25 tive.

1 MR. BROOKS: My point, your Honor, was aimed
2 at its being of little probative value because of the
3 issues in the case, and the relevance of it to the main
4 issues is very insignificant.

5 THE PRESIDENT: A question is raised by a
6 Member of the Tribunal as to the extent as to which
7 documents admitted against one accused can be used
8 against all. If a document is tendered against all the
9 accused and counsel for one accused shows clearly that
10 it has no application to his client or has no probative
11 value at all, but other counsel raise no objection, I
12 do not see how we can fail to consider the objection on
13 its merits.

14 The prosecution succeeded in establishing this
15 morning through this witness, and they were bound by the
16 witness, by what the witness said, for the time being,
17 that these accounts related only to Japanese-administered
18 railways. If we had decided that document was evidence
19 against MINAMI, who objected to it, we would have given
20 a wrong decision. But it was not objected to by other
21 accused, and it was admitted against them because the
22 Court does not take objections to evidence on those
23 grounds, not yet. If evidence tendered against one ac-
24 cused is in fact evidence against all of them, and there
25 is no objection from others, of course it goes in against

1 all of them. I know of no other decision of this
2 Tribunal.

3 MR. BROOKS: If your Honor please, the main
4 reason that the other defendants have not objected is
5 because, as they have stated to me, that they had no
6 interest in the document, it didn't affect them, and
7 unless the Court wishes to invite a parade of each one
8 of the counsel before the Bench, I think when one
9 counsel makes a successful objection it should be re-
10 jected for all purposes, any document, the same as if
11 it is accepted for all purposes. Otherwise, it would
12 require each counsel to be in here at all times, and
13 if something is not material or relevant in the case of
14 anyone of us the Court could go on indefinitely, and
15 we could sit here and listen to the prosecution.

16 THE PRESIDENT: There is a lot to be said for
17 that view.

18 We will recess for fifteen minutes.

19 (Whereupon, at 1050, a recess was
20 taken until 1110, after which the proceedings
21 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 JUDGE NYI: In the interest of saving time,
4 we will withdraw the last document.

5 MR. BROOKS: If the Tribunal please, if they
6 feel free to pass upon this point, I thought it was
7 my duty to keep the evidence confined to the main
8 issues of the case and object to this that I thought
9 was collateral, immaterial, and irrelevant.

10 THE PRESIDENT: Why waste time on a withdrawn
11 document?

12 MR. BROOKS: The reason I wanted it, your
13 Honor, was in case in the future, we don't know now,
14 whether all of us should object or only one, and what
15 the effect would be, and if the Court would give us an
16 indication, it would help.

17 BY JUDGE NYI (Continued):

18 Q Mr. ITAGAKI, on page 28 of your affidavit you
19 say that, "Considering my career and my ideas, KONOYE
20 thought I was the best man for the post." Can you
21 explain how your ideas became known to KONOYE?

22 A Are you asking how my opinion was conveyed to
23 Prince KONOYE?

24 Q Not "conveyed." I said "known," became known
25 to him.

1 A I believe you will find it in the affidavit,
2 but a man called FURUNO, Inosuke, visited me at the
3 battle front about one month previously and talked with
4 me on various subjects. I stayed three days.

5 Q You are not answering my question. You are
6 talking about how your invitation came from KONOYE.
7 Let me ask you a simpler question. Who, if any,
8 recommended you to KONOYE for this post?

9 A I don't know.

10 Q Was it not ISHIHARA?

11 A ISHIHARA had no reason to engage in such
12 political activities. I know nothing about it.

13 Q Was it not KIDO?

14 A I don't know.

15 Q When you assumed office as War Minister, who
16 was the Vice War Minister?

17 A The Vice-Minister had just been changed. It
18 was then Lieutenant-General TOJO.

19 Q Did you pick up TOJO?

20 A No, not so. My consent was asked for later.

21 Q Was it a fact that he came to the office of
22 War Minister before you did?

23 THE MONITOR: Will you repeat the question,
24 please, Judge Nyi?

25 Q I asked: Was it a fact that TOJO came in

1 office as Vice-Minister of War before you assumed
2 office as War Minister?

3 A Yes, just as you say.

4 Q How long before?

5 THE MONITOR: Just a minute, please. Just
6 as I said before.

7 That is a correction on the answer from the
8 witness. And the question?

9 Q And, how long before?

10 A I suppose it was about one week before.

11 Q As War Minister, were you acquainted with the
12 policies of the Japanese Government as laid down before
13 you assumed office?

14 A What policies? Could you give me illustrations?
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1 Q All important policies with regard to State;
2 military, diplomatic, for instance.

3 A In regard to important policies, I did receive --
4 I feel I did receive information from my predecessors.

5 Q Was it applied to the policy for the settlement
6 of the China Incident?

7 A Yes.

8 Q Were you aware of the decision of the Imperial
9 Conference on 11 January 1938?

10 A I was well aware of the statement of January
11 16.

12 Q I am not asking you that. Please answer my
13 question.

14 A I don't know what this Imperial Conference was
15 about.

16 Q Did not that Imperial Conference decide two
17 courses: First, the settlement of the China Incident
18 through negotiation, and, second, the complete defeat
19 of China and the establishment of a new Government with
20 which Japan would make peace?

21 A That, I do not know.

22 Q Do you know that the second course was adopted
23 as a government policy; namely, the destruction of the
24 existing Chinese Government and the non-recognition
25 of it?

1 A I heard in connection with the statement of
2 January 16 that the true intent of the government was
3 not necessarily so.

4 Q You do know the Declaration of January 16, 1938
5 in it?

6 A Yes, I have told you repeatedly I do know of it.

7 Q And the policy of the Japanese Government at
8 that time was being continued when you became War Minister,
9 was that correct?

10 A Premier KONOYE admitted that the statement of
11 January 16 was a failure. I have told of that in my
12 affidavit.

13 Q You are again not answering my question. Do
14 not try to explain. You may have a chance to explain
15 later on. You are simply wasting time by twisting
16 answers.

17 Was the policy of Japan as laid down by the
18 January 16, 1938 being continued at the time when you
19 became War Minister? A simple question.

20 A Yes, as I have stated in my affidavit, that had
21 not yet been changed.

22 Q A simple answer, too.

23 In the last paragraph on page 29, you stated
24 that the policy decided upon as War Minister was to alter
25 peace terms with China and to accomplish a peace settlement

1 quickly, and on the next page you stated that the
2 peace terms offered to China should not be so exacting
3 as the ones proposed through Trautmann. These
4 represent your attitude toward the settlement of the
5 China Incident.

6 My question is: Did you make an effort to
7 change or modify the terms?

8 A The result of my efforts, as is stated in my
9 affidavit, were the Declaration of November 3 and the
10 outline of new relations -- of adjusting new relations
11 between China and Japan, issued on 30 October.

12 Q Do you mean November 30th, not November 3rd?

13 A I include the 3rd.

14 Q Now, I am not particularly interested at
15 present to know your declaration. What I want to know
16 at present is whether you did change the policy --
17 whether you did make an effort to modify the terms with
18 regard to the settlement of the China Incident.

19 A I did make efforts, and as a result of these
20 efforts, in the outline for adjusting new relations be-
21 tween China and Japan, published on November 30, these
22 new terms are shown. When these terms are compared
23 with the terms offered during the Trautmann negotia-
24 tions, as I have heard, they are as mild as they could
25 be.

1 THE MONITOR: Considerably so.

2 A (Continuing) -- and in the statement of Novem-
3 ber 3, because the effect given by the January 16
4 statement at the time of its issuance was very bad --
5 in other words, because we had given the impression
6 that we would not deal further with the Chinese Chun-
7 king regime, we stated in this statement that even as
8 regards the Chunking regime, if they would be willing
9 to approach us we would not only deal with them and
10 cooperate with us -- we would not only deal with them
11 but we would gladly welcome them. These two things are
12 in complete contrast to the prosecutor's questions
13 regarding the contents of the Trautmann negotiations,
14 our declaration that we would not deal with Chiang Kai-
15 shek, and so forth.

16 Q Now let me ask you this: What was the function
17 or the aim of the Five Ministers' Conference, of which
18 you were a member?

19 A The main purpose of the Five Ministers' Con-
20 ference was to enable the ministers who were most con-
21 cerned with major problems to meet and discuss these
22 major problems, and there were no special regulations
23 or anything of that nature.

24 Q To discuss what? The major problems you men-
25 tioned? Was it the aim of the meeting to discuss the

1 war situation in China? Did you make a statement to
2 that purport, after you assumed office as War Minister,
3 to the Domei News Agency?

4 A I may have made such a statement, but if we
5 consider the important problems in national policy at
6 the time, of course the speedy solution of the China
7 Incident was the most pressing problem of the time, and
8 therefore it goes without saying that that was very
9 fully discussed.

10 Q Was it true that you, as a War Minister, occu-
11 pied a very important position in that conference in
12 connection with discussion of the war situation?

13 A As far as the army is concerned, I think I can
14 say yes.

15 Q Now, were the decisions of that conference
16 mostly in conformity with your views?

17 A The important declarations and policies which
18 I have been telling you about were in the main adopted
19 by unanimous decision of the Five Ministers' Conference.

20 Q Did you attend those Five Ministers' Conferences
21 in the summer of 1938 -- to say it more precisely, June,
22 July, and August?

23 A On the whole, yes. I did make a few trips
24 during that period, but on the whole I did attend the
25 conferences.

1 JUDGE NYI: I ask that the witness be shown
2 IPS document 2570, sub-title B.

3 (Whereupon, a document was
4 handed the witness.)

5 Q Mr. ITAGAKI, does this document, which was
6 in the custody of the Japanese Government and properly
7 certified, contain the decisions of these conferences?
8

9 A The title says so. It also bears the words
10 "First Section of the East Asia Bureau." The results
11 or decisions of the Five Ministers' Conference were not
12 recorded there at the meeting. No records were taken.
13 Because five ministers gather for the meeting, there
14 are no others there. That I said was, there was no
15 one there to take the records of the meeting. Accordingly,
16 my recollections of what took place at that time
17 are not accurate or clear and I do not know how or who
18 recorded the items -- compiled the items recorded here.
19 I do not know. I had nothing to do with this, and
20 since I have not read the contents of this closely,
21 I am unable to tell you -- I am unable to refresh my
22 recollection. I am unable to do so unless I have read
23 it over carefully.

24

25

1 Q Go ahead and read them.

2 THE PRESIDENT: Was it the practice to keep
3 a record of the minutes?

4 JUDGE NYI: Your Honor --

5 THE PRESIDENT: I am asking the witness
6 whether it was the practice to keep minutes of the
7 decisions.

8 THE WITNESS: No.

9 MR. BROOKS: Your Honor please, also this
10 document does not have a certificate. The learned
11 prosecutor said something about it being certified.
12 We do not have it.

13 THE PRESIDENT: The certificate is not neces-
14 sary if the witness admits it.

15 JUDGE NYI: Your Honor, the certificate is
16 attached to the original document.

17 THE PRESIDENT: You cannot get that in by
18 tendering a certificate at this stage. You can only
19 get it in on the basis of his admissions.

20 JUDGE NYI: Your Honor, at this stage I would
21 ask for the direction of the Court whether I shall ask
22 him to read and to identify whether these were the
23 decisions reached or shall I proceed on questioning
24 him about the contents.

25 THE PRESIDENT: In view of his status as an

1 accused person, I think that you should have no ar-
2 rangement with him to read anything except as a wit-
3 ness here in the box. You should be able to judge in
4 advance whether there are records of the meeting that
5 he attended as one of those five persons.

6 BY JUDGE NYI (Continued):

7 Q As a member of the Five Ministers' Conference,
8 could you recognize that these were the decisions
9 reached by the Five Ministers' Conference?

10 A No, I cannot.

11 THE PRESIDENT: Would you be influenced if
12 you were satisfied the government certified to those
13 records as minutes of the meetings of those ministers?

14 THE WITNESS: As I stated before, no records
15 or minutes were kept of these meetings, and I cannot
16 say with responsibility that these are records of
17 that meeting. And, if it should turn out that there
18 were records or minutes taken, I cannot be responsible
19 for that.

20 THE PRESIDENT: That is not the question I
21 asked.

22 THE MONITOR: Japanese court reporter!

23 (Whereupon, the Japanese court
24 reporter read.)

25 THE MONITOR: The interpretation of the last

answer by the witness stands.

1 THE PRESIDENT: I understand that you have
2 before you, in addition to the records of the meeting,
3 if there be such, what purports to be a certificate.
4 Will you read that certificate if there be one there?
5

6 THE WITNESS: Yes, this one sheet (indicating).
7 Since I cannot read English, I cannot tell whether it
8 is a certificate or not.

9 JUDGE NYI: I ask that a member of the Lang-
10 uage Section assist him or translate to him what it
11 says. And I want to remind the witness, too, that this
12 is not only the record and the minutes; these are the
13 decisions reached by the Five Ministers' Conference
14 which are the policies which you adopted.

15 THE PRESIDENT: You must not tell him what
16 they are; you must ask him what they are.

17 MR. BROOKS: I wish to object, if your Honor
18 please.

19 THE PRESIDENT: For the time being, Captain
20 Brooks, I would like to straighten this out. You will
21 be heard in due course. I do not want you to inter-
22 fere with an examination being conducted by the Bench
23 for the time being.

24 MR. BROOKS: If your Honor please --

25 THE PRESIDENT: You may put questions later.

1 I am administering questions suggested by a Member
2 of this Tribunal, and I insist in being allowed to
3 do so without interference.

4 MR. BROOKS: Is it the Court's ruling that
5 counsel does not have the right to object to a ques-
6 tion by one of the Judges if it is improper?

7 THE PRESIDENT: In a national court that is
8 the rule. I know of no different rule here.

9 MR. BROOKS: Then I would like to be heard
10 on my objection.

11 THE PRESIDENT: You must understand me. I
12 am not asking him to take that as a certificate. I
13 am asking him if it is one, and that must be allowed.

14 MR. BROOKS: My objection is to your basic
15 question, your Honor.

16 THE PRESIDENT: We understand as clearly as
17 you that through this witness you can get in evidence
18 but only if he admits everything necessary, including
19 the existence of the certificate.

20 MR. BROOKS: May I be heard briefly?

21 THE PRESIDENT: No. If we receive the cer-
22 tificate at this stage, we are reopening the prosecu-
23 tion's case or anticipating what may be done in re-
24 buttal. Your position needs no clarification.

25 MR. BROOKS: Your Honor, the basic question

1 was, if the affidavit was presented to this witness,
2 would he accept it, and that is asking him to certify
3 to the certificate. That is what I am objecting to,
4 if your Honor please.

5 THE PRESIDENT: I asked him whether he ad-
6 mitted the certificate was what it purported to be,
7 and any witness can make an admission. The question
8 might have been put on a letter, and there would
9 have been no question about it. But since he cannot
10 read English, it is useless to pursue this further.
11 That means the documents cannot be admitted at this
12 stage. We have not sufficient material on which to
13 admit them.

14 JUDGE NYI: We will question him.

15 THE PRESIDENT: We will adjourn until half-
16 past one.

17 (Whereupon, at 1200, a recess
18 was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: With the Tribunal's permission the accused SHIMADA will be absent from the courtroom for the whole of the afternoon session conferring with his counsel.

Judge Nyi.

- - -

SEISHIRO ITAGAKI, an accused, resumed the stand and testified through Japanese interpreters as follows:

CROSS-EXAMINATION

BY JUDGE NYI (Continued):

Q Mr. ITAGAKI, this morning you told us that the decisions of the Five Ministers' Conference were mostly in conformity with your views. Did not the Five Ministers' Conference on 8 July 1938 decide the measures to be taken by Japan in case the Chinese Government surrendered?

A I do not remember.

Q Was it not decided that in that eventuality Japan would either adhere to the decision of the

1 Imperial Conference of 11 January and treat the
2 Government of China as one of the local regimes
3 which would participate in the setting up of a new
4 pro-Japanese Government?

5 A I do not remember.

6 Q Was it not decided on that occasion that
7 Japan would not try to settle the Incident through
8 negotiations?

9 A That is impossible.

10 Q What do you mean by, "That is impossible"?
11 They did not decide or they did decide?

12 A I mean that I have no recollection whatsoever
13 and also that at that time none of us had any such
14 idea as suggested. That is why I said such a thing
15 was impossible.

16 Q Was it not decided on that occasion that
17 the Chinese surrender would only be accepted on certain
18 conditions and one of them being the retirement of
19 Generalissimo Chiang Kai-shek?

20 A That also is not in my recollection at all.

21 Q Did not the Five Ministers' Conference on the
22 same day, 8 July, decide on the measures to be taken
23 by Japan in case the Chinese Government refused to
24 surrender?

25 A No, I don't remember that at all.

1 Q Was not the policy laid down for that
2 eventuality that Japan should concentrate the
3 total national power on the destruction or the
4 surrender of the Chinese Government?

5 A No, that is not so at all.

6 Q You do not recollect or what?

7 A According to my recollection such a thing
8 did not take place at all.

9 Q Was it not decided that Japan would continue
10 positive war operations without break so as to occupy
11 all strategic points in China?

12 A No, that is not so.

13 Q Was it not decided that in case the Chinese
14 Government would continue to refuse to surrender the
15 pro-Japanese regimes would be made to combine so as
16 to set up a pro-Japanese central government?

17 A No, I have no recollection.

18 Q Are you following very closely my questions?

19 A I am following you very carefully. I am
20 listening to all that you say.

21 Q Did not the Five Ministers' Conference on
22 8 July 1938 decide on the strategy toward China in
23 conformity with the current situation?

24 A I don't remember whether there was a Five
25 Ministers' Conference on the 8th of July and even if

1 there was a Five Ministers' Conference on that day
2 I don't remember what we decided.

3 Q You haven't forgotten the policies of your
4 government as well as your own views and ideas?

5 from power, to destroy the Chinese fighting power?

6 A That is not so.

7 Q Was not one of the measures decided upon to
8 bring about this result, that is, the confiscation
9 of Chinese funds abroad so as to cause the bankruptcy
10 of the Chinese Government?

11 A Do you mean that Japan should confiscate
12 Chinese funds abroad?

13 Q You don't need my repetition of the question.
14 I was asking you whether it was decided to bring
15 about the confiscation of Chinese funds. That is
16 not necessarily by the Japanese but caused by the
17 efforts of the Japanese.

18 Slight addition to my question: the funds
19 in China or in foreign concessions in China.

20 A You mean that Japan was to confiscate those
21 funds.

22 Q Do you want me to repeat? I say, "to bring
23 about." You know the meaning of "bring about." It
24 may be direct; it may be indirect.

25 A We had no such purpose.

1 A Of course, I have not forgotten them.

2 Q Was it not decided on that occasion that
3 the Japanese views were to break down the Chinese
4 Government, to bring about Chiang Kai-shek's fall
5 from power, to destroy the Chinese fighting power?

6 A That is not so.

7 Q Was not one of the measures decided upon to
8 bring about this result, that is, the confiscation
9 of Chinese funds abroad so as to cause the bankruptcy
10 of the Chinese Government?

11 A Do you mean that Japan should confiscate
12 Chinese funds abroad?

13 Q You don't need my repetition of the question.
14 I was asking you whether it was decided to bring
15 about the confiscation of Chinese funds. That is
16 not necessarily by the Japanese but caused by the
17 efforts of the Japanese.

18 Slight addition to my question: the funds
19 in China or in foreign concessions in China.

20 A You mean that Japan was to confiscate those
21 funds.

22 Q Do you want me to repeat? I say, "to bring
23 about." You know the meaning of "bring about." It
24 may be direct; it may be indirect.

25 A We had no such purpose.

1 Q Do you recollect there was such a decision?

2 A No.

3 Q Did not the Five Ministers' Conference on
4 15 July decide on the guiding policy for the establish-
5 ment of a new central government in China?

6 A It is not in my memory.

7 Q Was it not decided that a new central
8 government would be set up after the occupation of
9 Hankow and Canton when the Chiang Kai-shek government
10 would have been reduced to a local regime?

11 A No, not at all.

12 Q Did not the Five Ministers' Conference on
13 15 July decide to provide for Japanese supervision
14 of military affairs, foreign relations, economic
15 affairs, religion and education in China?
16

17 A No, we had no such plans.

18 Q Did not the plan provide for the appointment
19 of Japanese advisers in important positions or the
20 appointment of Japanese officials?

21 A No.

22 Q Did not the Five Ministers' Conference on
23 8 July 1938 decide upon the diplomatic policy toward
24 Great Britain?

25 A You have made repeated reference to the
Five Ministers' Conference of July 8 but I am sorry

1 I cannot recall this conference at all. as devoted

2 Q Did not the Five Ministers' Conference at
3 any time decide that the main objectives of Japan's
4 policy toward Britain would be to make her stop her
5 aid to Chiang Kai-shek?

6 A What I have said in my affidavit is true but
7 I do not recall whether we made such decisions on
8 July 8 or not. I do not recall exactly. I don't

9 Q Did not the Five Ministers' Conference on
10 12 July decide upon the attitude to be taken by Japan
11 toward possible proposals of the British and German
12 ambassadors for peace mediation?

13 A No.

14 Q You don't recollect or what?

15 A It is impossible for me to recollect.

16 Q Did the Five Ministers' Conference decide
17 at any time to decline any proposals of the British
18 ambassador in a roundabout way?

19 A That too is not in my recollection.

20 Q Did not the Five Ministers' Conference on
21 22 July 1938 decide on the procedure to be taken for
22 the settlement of the Changkufeng Incident?

23 A I am inclined to feel that there was no
24 important decision reached on the 22d of July. I have
25 told you clearly in the first part of my interrogation

1 that the cabinet meeting of August 2 was devoted
2 to the Changkufeng Incident.

3 Q Did not the Five Ministers' Conference on
4 26 July decide to set up a special commission for
5 Chinese affairs?

6 A I am afraid I don't remember. I don't know
7 what you have reference to when you mention this
8 special commission for Chinese affairs. I don't
9 know what it refers to.

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Q Do you remember that there was a special mission headed by DOHIHARA, TSUDA and BANZAI?

A Yes, about that I have written in my affidavit but I cannot recall whether or not we actually gave it a special name.

Q Was not the task of this Commission to draw up political and economic strategies for the war against China?

A No.

Q Did not the Five Ministers' Conference of 9 September 1938 lay down the outlines for the establishment of a joint commission to be made up of the representatives of the various local regimes in China?

A That, too, is out of my memory.

Q Was it not decided on this occasion that complete guidance would be given to the joint commission by Japan?

A That is not so.

Q Was that in conformity with this decision that this Joint Commission was established on 22 September 1938?

A That is not in my memory.

Q You seem to have forgotten what were the policies and what were your views as decided by the Five Ministers' Conference. Is that what you are

1 telling the Tribunal?

2 A I have included all important matters in my
3 affidavit, generally speaking. I should like to tell
4 you that the things you have suggested to me now are
5 not in my recollection at all.

6 Q Now, Mr. ITAGAKI, one of your witnesses,
7 YAMAWAKI, has told the Tribunal that DOHIHARA was
8 sent to China in 1938 and you mention that in your
9 affidavit too. Who sent him?

10 A Prince KONOYE, who was then Prime Minister.

11 Q Did you recommend him as War Minister?

12 A No. The facts of the case are as follows:
13 My affidavit does give a full explanation of this.
14 The solution of the China Incident was difficult.
15 It was not a problem for the Army alone to solve, it
16 was a problem that concerned our entire country.
17 Therefore it was necessary to select the best man
18 from among a wide range of qualified people, and, as
19 a result of careful consideration, the then Foreign
20 Minister, General UGAKI, selected Lieutenant General
21 BANZAI, Rihachiro.

22 Q I am not asking you about any emissary sent
23 by the Foreign Minister. I am asking you about
24 DOHIHARA.
25

THE INTERPRETER: The witness started to say:

"Not only Lieutenant General BANZAI, but also-- "

1 THE PRESIDENT: Be careful to observe the
2 red light, Judge.

3 MR. MATTICE: May I suggest, if the Tribunal
4 please, that there have been a number of instances of
5 this; that the witness has not been permitted to answer
6 the question. Counsel has interrupted him with another
7 question.
8

9 JUDGE NYI: May I reply, your Honor, that I
10 have interrupted him sometimes only when he was not
11 answering to my question.

12 THE PRESIDENT: Observe the red light, Judge.
13 The witness, as a matter of fact, does pause quite a
14 lot. He is a very deliberate witness.

15 Q Was DOHIHARA sent to China to work on Wu Pei-
16 fu and Tang Shao-I?

17 A I have not completed my previous answer.
18 Relative to your question asking by whom DOHIHARA
19 was sent, DOHIHARA, together with Vice-Admiral TSUDA
20 of the Navy, was appointed by the Government to assist
21 Lieutenant-General BANZAI and to cooperate with him.

22 Q Answer my next question. Was he sent there
23 to work on Wu Pei-fu and Tang Shao-I?

24 A As is stated in my affidavit, his purpose in
25 going there was to call on all people who were earnest

1 in their desire for peace and to ask for their coopera-
2 tion and he did not go there necessarily to talk
3 exclusively with those two whose names were mentioned.

4 Q Was it one of your strategies to work on those
5 retired statesmen and generals and to set up a new
6 government to bring about the destruction of the
7 Chinese Government?

8 A That is not so.

9 Q So did your Government pick out DOHIHARA to
10 work in China because he had had previous years experi-
11 ence in setting up or guiding new governments or new
12 regimes?

13 A That is not so.

14 Q Yesterday when I was asking you about the
15 Japanese names in Tientsin and in the government
16 municipal administration of Mukden, you seemed to
17 have a poor memory of the Japanese names. Now I am
18 going to ask you, was this DOHIHARA who was sent to
19 China the same one who had been mayor of Mukden,
20 inaugurator of Henry Pu-Yi, long-time promoter of
21 North China autonomy, author of Chin-DOHIHARA agreement,
22 and negotiator of Inner Mongolian economy, - who is now
23 sitting on this side of the dock (indicating)?
24

25 PRESIDENT: That is a speech, not a question.

Q Was this special commission to China a secret

organ?

A As I have stated before, I do not recall the name "Special Commission on China".

Q The name was never made public but there was the existence of such a commission, was that true?

A What do you mean? Do you mean that the group of BANZAI, DOHIHARA and TSUDA were this commission of which you speak?

Q Yes.

A This group did not have any special name, but its purpose was as I have already stated, to get together the best men who were out of office and who had an earnest desire for peace and to create an atmosphere favorable to peace.

Q Wasn't there a name called DOHIHARA Kikan or DOHIHARA Agency, which maintained communications with the War Ministry, of which you were the head?

A I have forgotten whether the name was DOHIHARA Kikan or not, but since Lieutenant-Colonel DOHIHARA was the youngest among the three, and, besides, since he was the only one in active service, he administered the business of the group, and for the purpose of maintaining contact with the government he had a house in Shanghai.

Q Did he use the name, "DOHIHARA Agency," when

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1 he communicated with the War Minister?

2 A I remember he did.

3 Q Was it sometimes also called Take Kikan?

4 A This word "kikan" in the Chinese word corre-
5 sponds to your word "kungkwan," and therefore every
6 time the ~~master~~ changed, or the head person changed
7 the name of the agency naturally would change, but
8 there really isn't a special meaning attached to the
9 word "kikan."

10 Q You are again not answering my question. I
11 asked you whether or not it was sometimes called the
12 "Take Kikan," the English equivalent of which is bamboo
13 organ?

14 A That I don't know.

15 Q You certainly know the composition of the
16 China Affairs Board, Koa-in, do you?

17 A Yes.

18 Q You as War Minister were one of the vice-
19 presidents; is that correct?

20 A Yes, as is written in my affidavit.

21 Q Are you well acquainted with the decisions
22 reached by the China Affairs Board?

23 A I think I do know -- I did know about important
24 matters.

25 Q Do you know the so-called Anti-Comintern

1 National Salvation League in China?

2 A I do not know.

3 Q You don't know that?

4 A No.

5 Q I point to you on page 43 of your affidavit,
6 the 5th line from the top. Does that name, "National
7 Salvation Peace Movement," appear?

8 I read to you the whole sentence: "In
9 particular it supported Mr. Wang Chao-ming's 'National
10 Peace Movement' . . ." You know that, do you?

11 A Are you referring to that portion of the
12 affidavit which refers to my activities as Chief of
13 Staff of the China Expeditionary Forces?

14 Q You are entirely wrong. I pointed out to you
15 the page number, page 43; that is clearly at the time you
16 were connected with the Kwantung Army.

17 A May I have the affidavit shown to me?

18 What is stated in my affidavit is a little
19 different from what you have just said. "In particu-
20 lar it supported Mr. Wang Chao-ning's 'National Sal-
21 vation Peace Movement' and wished the Nanking Govern-
22 ment to aim ultimately at joining with the Chungking
23 Government." That is what I mean -- that is what it
24 said.

25 Q Was this National Peace Movement originated

1 from the National Salvation League? It was one and
2 the same thing, was it?

3 A I still don't know that there was such a
4 league.

5 Q You know the movement?

6 A The peace movement referred to in my affi-
7 davit is quite familiar to me.

8 Q Do you know that this National Salvation
9 Movement was financed by Japan?

10 A I hardly think it possible.

11 JUDGE NYI: I ask that the witness be shown
12 IPS document 1005(1).

13 Q Is it a decision reached by a meeting of the
14 China Affairs Board on the 1st of April, 1939?

15 MR. BROOKS: May we have copies, your Honor,
16 of that? It has been shown to the witness. We should
17 have a chance to examine it to be ready for objections
18 if they are necessary.

19 JUDGE NYI: Copies will be served when the
20 witness has identified it.

21 THE PRESIDENT: That is time enough.

22 MR. BROOKS: We had a different rule on the
23 defense, your Honor, under similar circumstances.

24 Q You were one of the vice-presidents, and you
25 have told us that you were familiar with the decisions

1 of the Koa-in. Now you will be able to tell us
2 whether this is one of the decisions.

3 A You have told me repeatedly of this Anti-
4 Comintern National Salvation League. However, this
5 league itself is not in my memory at all; and as to
6 whether this document represents a decision of the
7 China Affairs Board, since I myself have no recollec-
8 tion of the matter whatsoever, it is difficult for me
9 to judge.

10 Q You said you were familiar with the decision,
11 and it is a short document. Identify it.

12 A It is not in my recollection.

13 Q Was it not decided that the necessary expense
14 for the activities of the Anti-Comintern National
15 Salvation League shall be appropriated from the sur-
16 plus funds of the Maritime Customs revenue, and its
17 total amount will be 18,000,000 Chinese dollars or
18 less for six months after April?

19 Try hard to recall. If you fail to recall,
20 you are contradicting one of your former statements.

21 THE PRESIDENT: You should not tell him that.
22 It may or may not be true. We have no means of cor-
23 recting it. It may amount to intimidation.

24 JUDGE NYI: Your Honor, I did not intend
25 that. I only tried to ask him to recall, do the best

1 he can.

2 Q Can you recall that?

3 A No, I don't.

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1 Q Can you also recall, if I may further refresh
2 your mind, that when it was decided -- as the second
3 item -- when utilizing the surplus funds of the maritime
4 customs revenue, Japanese names shall be used in order
5 to maintain secrecy, was it a fact that you want to
6 cover it up and to let the world know that this is a
7 genuine Chinese movement?

8 A As I have repeatedly told you, I don't know
9 anything about this league, itself, and therefore I
10 have no recollection whatsoever about any decisions
11 reached in regard to this so-called league.

12 Q Now, when DOHIHARA was working on Wu Pei-fu,
13 did you also have some arrangement about the finance,
14 about the expenses?

15 A No.

16 JUDGE NYI: May the witness be shown IPS
17 document 2178-G.

18 Q Do you recall that as one of the decisions
19 reached by the China Affairs Board, June 23, 1939?

20 A No, I don't recall.

21 Q Do you recall that the expenses required for
22 the Wu Project will be defrayed as follows, in accordanc
23 with the expenses required for the Anti-Comintern
24 National Salvation League?

25 A No, I don't recall.

1 Q Do you recall, aside from these decisions of
2 the China Affairs Board, out of your own memory, that
3 money was needed to launch these projects; and how did
4 you arrange for it?

5 A I had nothing to do with that.

6 Q Was DOHIHARA Kikan taken over by KAGESA?

7 A I don't think the word "taken over" could be
8 used. To begin with, the mission of these two people
9 was quite different; and secondly, there was quite an
10 interval between the time when DOHIHARA returned to
11 Japan and the time when KAGESA was settled in China.

12 Q Now, was KAGESA sent by you?

13 A No.

14 Q Do you know, as a fact, that he went to China
15 to do some political work?

16 A I do remember this, that KAGESA, on government
17 orders, went to China with INUKAI and various other
18 people.

19 Q Now, the "government orders" is a rather
20 vague term. Will you give me some specific expression
21 as to who sent him there?

22 A He was sent by all ~~ministers~~ connected with
23 the Five Ministers' Conference, in accordance with a
24 decision reached there; and, therefore, in the members
25 of this group there were naturally army men, navy men,

1 and civilians, and Foreign Office personnel, also.

2 Q What was the exact nature of his mission?

3 THE MONITOR: In the translation of the witness'
4 reply, strike out "army," please. "Navy, Foreign
5 Ministry, and civilians."

6 A In the beginning, his mission was to
7 contact Wang Chao-ming.

8 Q Where was Wang Chao-ming at that time?

9 A When is "when"?

10 Q When he was sent there.

11 A He was sent by the government in April to
12 bring Wang Chao-ming from Hanoi.

13 Q To where?

14 A To Shanghai.

15 Q For what purpose?

16 A Wang Chao-ming, in reply to the statement by
17 KONOYE in the previous year, on December 22, had
18 escaped in order to begin a peace movement, and was
19 in Hanoi. But since his life was in danger in that
20 city and it was impossible for him to continue his
21 peace efforts there, he desired to come to Shanghai.
22 This desire became known to the Japanese Government
23 and, therefore, an emissary was sent to bring him.

24 Q You mentioned the speech or statement of
25 December 22 by KONOYE and the Wang Chao-ming statement

1 a week after. Now, my question is, was Wang Chao-ming's
2 speech a natural and genuine and spontaneous reaction
3 of the KONOYE statement, or was it not a pre-arranged
4 plan? Which is it?

5 A I believe that Wang Chao-ming issued a state-
6 ment of his own accord.

7 Q Of his own accord?

8 A Yes.

9 Q Now, were you here -- did you hear the reading
10 of KAGESA's testimony on June 11 of this year?

11 A Yes, I heard it.

12 Q Did you hear the reading as follows, page
13 24,041, beginning on the 17th line from the top:

14 "Q So did you inform your government that the
15 Chinese would expect an announcement of the Japanese
16 government with regard to the terms of peace?"

17 And KAGESA's answer was, "Yes."

18 "Q So the KONOYE statement of December 22, 1938,
19 was prepared in view of the proposed escape of Wang
20 to Hanoi, was it?"

21 The answer was, "Yes. I have stated in my
22 affidavit if Mr. Wang escaped they would like to have
23 such a plan announced."

24 Do you still say that his statement was a
25 natural response, or, to use your own words, was

1 Mr. Wang's own idea?

2 A Of course, I am convinced that it was Wang's
3 own idea. However, your reference to these statements
4 is rather confusing. I have made this answer on the
5 assumption that you were referring to a statement made
6 by Wang Chao-ming. Am I right?

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1445, a recess was
10 taken until 1500, after which the proceedings
11 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Judge Nyi.

4 BY JUDGE NYI (Continued):

5 Q Mr. ITAGAKI, let us come back to the Five
6 Ministers Conference. Did not the Five Ministers
7 Conference on 26 August 1938 decide on the policy for
8 the conducting of propaganda in connection with the
9 China Incident?

10 A No, not on August 26.

11 Q Did not this decision state that in view of
12 the importance of the prospective fall of Hankow, it
13 had become a matter of pressing need to push ahead
14 long-term construction plans with the united front?

15 A If my recollection is correct, on the 26th of
16 August 1938, the Five Minister Conference discussed
17 plans for the strengthening of the Japan-German-Italian
18 Anti-Comintern Pact and I have no recollection that
19 we passed -- we came to a decision on any other matter.

20 JUDGE NYI: May the witness be shown IPS
21 document 2570-A.

22 (Whereupon, a document was handed to
23 the witness.)

24 Q Is this the decision of August 26?

25 A It is not in my recollection.

1 Q After reading it, did it occur to you that
2 some of the matters were discussed in that meeting?

3 A As I have already told you, if my recollection
4 serves me correctly, the discussion on that day, the
5 26th of August, was devoted to the question of strength-
6 ening the Three Power Anti-Comintern Pact and that was
7 the only topic of discussion on that day.

8 Q Was this paper which was shown to you -- If
9 you were told that this paper came from the official --
10 in the custody of the official Japanese Government
11 would you still say that this is not the decision of
12 August 26?

13 A Yes, I would.

14 (Whereupon, Mr. Brooks approached the
15 lectern.)

16 THE PRESIDENT: There is no need for any
17 discussion. The answer makes it unnecessary.

18 MR. BROOKS: I didn't hear his answer, your
19 Honor, but I wanted to object. He was asking a hypo-
20 thetical question. It is matter from which the
21 prosecution could not testify; in fact, testifying as
22 to the certificates. They are things that are not in
23 evidence before the Court.

24 Q Now, what do you mean by this "yes"? Do you
25 mean that if you know that this comes from an official

1 source, you would believe it is genuine, it is the
2 decision of the Five Ministers Conference of August 26?

3 MR. BROOKS: I object to that.

4 THE PRESIDENT: Your action in coming to that
5 lectern unnecessarily is resented by more than one of
6 my colleagues.

7 THE MONITOR: Just before that, the witness
8 began to reply by saying "No, not at all."

9 THE PRESIDENT: We will not pass on this
10 matter without giving you an opportunity to be heard.
11 This is only one of many questions that must be put
12 to this witness before we determine this issue.

13 MR. BROOKS: The question, in my mind, is
14 objectionable, your Honor, and since the evidence
15 being admitted is supposed to be admitted against all
16 the accused, I felt it perfectly proper to approach
17 the lectern to make a proper objection.

18 THE PRESIDENT: There will be time enough for
19 you to object when the document is tendered. It is not
20 even tendered yet, nor could it be tendered.

21 BY JUDGE NYI (Continued):

22 Q Does that paper in front of you purport to
23 be a paper which contains the decisions of the Five
24 Ministers Conference held on August 26?

25 A I cannot think it is.

1 Q Do you recall that besides the Five Ministers
2 Conference there were conferences between you and the
3 Navy and the Foreign Minister?

4 A When was this?

5 Q After you assumed War Ministership.

6 A The question as to whether just the three
7 of us met at some time for some purpose is very vague
8 and just from that I cannot tell you with any certainty
9 that I can remember such a meeting.

10 Q Do you keep records of what you decided at
11 these conferences, whether the Five Ministers Conference,
12 or those conferences which you held with the Navy and
13 the Foreign Ministers?

14 A No, no records were kept.

15 Q Do you recall that you, together with the
16 Navy and the Foreign Ministers on 28 October 1938, decided
17 the policies for administration of the recently occupied
18 Hankow and Canton districts?

19 A No, I don't.

20 Q Did you not decide, to refresh your memory,
21 that new administrations would be set up in those areas
22 under the guidance of the Japanese?

23 A No, we didn't.

24 Q Wasn't it decided that in the economic field
25 emphasis should be laid on the acquirement of the supplies

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21 that new administrations would be set up in those areas
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25 emphasis should be laid on the acquirement of the supplies

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1 for the Japanese Army?

2 A No, that is not in my recollection.
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Q Is it correct that in the latter part of
1 August, 1938, the Five Ministers' Conference requested
2 the various ministries to submit plans for the estab-
3 lishment of a new government organization to deal with
4 all matters regarding China?

5 A No, that is not in my recollection.

6 Q Did not the Foreign Ministry at that time
7 propose the setting up of a temporary organization
8 for the duration of the China Incident, and did not
9 the Army and War Ministries agree with that plan?

10 A I am unable to understand what you are talk-
11 ing about at all.

12 Q Do you mean you have no recollection?

13 A Yes, I have no recollection.

14 Q Did not the Army in the beginning of September,
15 1938, submit a plan of its own for the establishment of
16 a China Affairs Board, a permanent organization to deal
17 with China affairs, even after the Incident would have
18 been settled, because it would be necessary to continue
19 the Japanese hold on China?

20 A No, it is not so. In my affidavit, there is
21 a section dealing with the China Affairs Board, and in
22 that section the purpose for which it was established
23 is made clear.

24 Q Did not Foreign Minister UGAKI strongly
25

1 disagree with the plans for establishment of the China
2 Affairs Board which had been submitted by the Army?

3 A I recall what General UGAKI said then, as
4 follows, in this sense: General UGAKI wanted to have
5 a China Affairs Board or something of similar nature
6 set up within the Foreign Office, whereas the Army,
7 in order to solve the China Incident, felt that it was
8 necessary to have an organization which would be
9 supported by the whole government and which would be
10 based on the national will.

11 Q Because of the disagreement, did he not on
12 September 29, 1938, submit his resignation?

13 A It is a fact that he did submit his resign-
14 ation. However, he did not tell us in so many words
15 what his reason was for resigning.

16 Q Was it not because the Prime Minister and his
17 Cabinet were in agreement with the Army's plan with
18 relation to the establishment of the China Affairs
19 Board?

20 A It is true that the other four Ministers were
21 in agreement with the Army's opinion, but neither the
22 Prime Minister nor the Foreign Minister told us why
23 the Foreign Minister had submitted his resignation to
24 the Premier. In fact, even Prime Minister KONOYE told
25 us at that time he could not understand it.

1 Q Was it not a fact that the plans submitted by
2 the Army were approved by the Cabinet on the 1st of
3 October, two days after Foreign Minister UGAKI resigned?

4 A As I have stated in my affidavit, I believe it
5 was after that.

6 Q After what?

7 A Although I cannot say this with certainty, I
8 believe it was around November that the establishment
9 of the China Affairs Board was finally duly decided on.

10 Q Please do not confuse. I am not asking when
11 the China Affairs Board was set up. I am asking you
12 what date General UGAKI resigned.

13 A It was during the latter part of September.
14 I believe it was around the 26th or 27th of September.
15 However, I am really not sure.

16 Q And, was it not true that the Army plan was
17 approved two days after the Foreign Minister's resign-
18 ation?

19 A I don't recall well.

20 Q About how many days after that?

21 A Since the China Affairs Board was set up in
22 November, I can be sure anyway that the decision was
23 made sometime between the Foreign Minister's resignation
24 and November.

25 Q Was it soon after his resignation?

1 A I, myself, do not have the impression that it
2 was immediately after the Foreign Minister's resign-
3 ation. However, I do know that, anyway, it was after
4 the Foreign Minister resigned.

5 Q Do you remember that at the beginning of
6 April, 1939, the Liaison Offices of the China Affairs
7 Board in various parts of China were established?

8 A Yes, that is written in my affidavit.

9 Q Do you remember that Prime Minister HIRANUMA
10 addressed the chiefs of the Liaison Offices?

11 A Well, maybe he did, but I don't remember.

12 Q Do you remember that in this speech he stated
13 that the government adhered completely to the state-
14 ment by former Prime Minister KONOYE of 22 December 1938?

15 A Since I don't remember the contents of the
16 speech itself, I don't know whether he said that or
17 whether he didn't.

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1 Q Do you remember that in the meeting of the
2 liaison officers on the 10th and 11th of April, 1939,
3 the director of the chief of general affairs instruc-
4 ted the chiefs of the liaison offices that the guidance
5 of the Chinese regime and the future Chinese govern-
6 ment in political and economic affairs shall be accord-
7 ing to the principle laid down by Japan?

8 A That is not in my recollection. Furthermore,
9 the purpose of the China Affairs Board was not guidance
10 at all. The idea behind the setting up of the China
11 Affairs Board was to take charge of politics and econom-
12 ics in so far as they related to Japan, and to maintain
13 liaison with China, and culture, and that fact is clear-
14 ly stated in my affidavit.

15 Q Who was this director of general affairs?
16 Was it the accused SUZUKI?

17 A I forget what his title was. I do know that
18 SUZUKI was in the China Affairs Board.

19 Q Did you attend the meeting of April 10-11,
20 1939?

21 A I am afraid I do not remember.

22 Q Do you recall that instructions stated that in
23 the guidance of the Chinese government the important
24 points of Japan's desires had to be fulfilled? Were
25 the decisions of the liaison offices approved by the

1 China Affairs Board?

2 (There was no answer.)

3 Will you answer me whether the instructions
4 and speech were approved before the meeting of April
5 10-11, 1939?

6 A I am sorry I do not remember the contents. I
7 cannot recall.

8 THE PRESIDENT: He doesn't remember the con-
9 tents. He does not recall. We do not want any academic
10 discussion.

11 MR. BANNO: Mr. President, the prosecutor has
12 asked several questions but has gone on to further ques-
13 tions without gaining an answer from the witness rela-
14 tive to his previous questions, and I believe this is
15 confusing the witness.

16 THE PRESIDENT: That has happened once. I
17 don't think it has led to any confusion. If the prosecu-
18 tor does not want an answer, we are not going to insist
19 on one.

20 JUDGE NYI: The second question was the same
21 as the first only in a different form.

22 THE PRESIDENT: Put your question again in
23 briefer terms if you can, Judge Nyi.

24 JUDGE NYI: Yes, I will.

25 Q Was it not true that the directions and the

1 speech were approved by the China Affairs Board before
2 the meeting of April 10-11, 1939?

3 A I believe I have already replied to that.

4 Q I did not get the answer.

5 THE INTERPRETER: "I believe I have already
6 replied to that."

7 THE PRESIDENT: Well, reply again in case you
8 have not.

9 THE WITNESS: I have no recollection.

10 Q Do you recall that instructions said that an
11 industrial three-year plan for China would have to be
12 drawn up as soon as possible?

13 A May I ask the prosecutor if you are question-
14 ing as to whether we, the vice-presidents of the China
15 Affairs Board, passed on such decisions?

16 Q I am asking you very clearly whether the instruc-
17 tions given in the meeting of the liaison officers --
18 chiefs of the liaison offices include an industrial
19 three-year plan for China.

20 A That I do not know.

21 Q Wasn't that plan contemplated to fit in with
22 Japan-Manchukuo production expansion plans for the pur-
23 pose of fulfilling Japan's defense and economic demands?
24 Do you recall that?

25 A I have no such recollection.

1 JUDGE NYI: Language Section, I am passing
2 on to page 23.

3 Q You stated in your affidavit on page 34 that
4 the intervention of the Army in administration matters
5 were held to the minimum after the establishment of
6 the China Affairs Board. Do you know that, as a
7 matter of fact, after the establishment of the China
8 Affairs Board the Army tightened its control on Chinese
9 provincial and local governments?

10 A No, that is not so.

11 Q Do you know that it was reported that the
12 liaison office of the China Affairs Board in China
13 still had to obtain the understanding of the local army
14 there before they could do anything?

15 A This much can be said in any event: Since
16 the Army was conducting military operations, the Army
17 was glad to give all conveniences in its power to the
18 administrative organs in so far as they did not hinder
19 military operations. This was a natural course of
20 events -- natural course of action in relation to
21 military operations; and when I speak in my affidavit
22 that the Army tried not to interfere -- did not inter-
23 fere in administration, I always mean to the extent
24 that it did not hinder military operations.

25 Q Do you recall that the Foreign Minister ARITA

1 had complained of the intervention and interference
2 of the Army in such matters before the Five Ministers'
3 Conference?

4 A I have no special recollection.

5 Q In paragraph -- page 36, paragraph h of your
6 affidavit you state that the policy of adjusting the
7 new relations between Japan and China was decided upon
8 by the Imperial Conference on the 30th of November.
9 Were you present at this Imperial Conference?

10 A Yes.

11 Q Do you recall that this conference took place
12 after the capture of Hankow and Canton?

13 A Yes.

14 Q Did the Foreign Minister read a draft of the
15 policy for the adjustment of the new relations between
16 Japan and China?

17 A At the Imperial Conference?

18 A Yes.

19 A He explained.

20 JUDGE NYI: May the witness be shown IPS
21 document 2178C?

22 (Whereupon, a document was handed
23 to the witness.)

24 Q Does this document contain the decision of
25 the conference, and is there attached to the decision

1 the original bill which was read by the Foreign
2 Minister?

3 A I don't know what kind of document this is.
4 It is similar to the decision I referred to -- decision
5 of November 30 I referred to in my affidavit. However,
6 it is impossible for me to judge whether it is exactly
7 the same.

8 Q It has the same contents, is it true?

9 A I say it is similar. I don't know whether --
10 I don't say that it is the same document; I do say --
11 I do remember some of the matters that were discussed.

12 Q That's very good. If you remember the matters
13 that were discussed it is possible for you to identify
14 it.

15 A I can't tell whether this is the same as the
16 original.

17 Q But the matters are the same, are they?

18 A I do say that -- I do remember some portions --
19 some of the things referred to in this document. How-
20 ever -- naturally, I don't remember the whole of it,
21 and I can't say, therefore, whether it is the same as
22 a whole; and furthermore, there is nothing on this
23 document to show that it is an original document, and
24 I cannot say whether it is exactly the same as the
25 original.

1 Q Is that an official document kept by an
2 official organ of the Japanese Government and properly
3 certified? Never mind the formal parts; just see
4 whether it contains the decision and the attached
5 original bill. That's enough -- if that is correct.

6 A I can't understand this certificate either.

7 Q Go ahead and read the contents, the decision
8 and the attached bill. It is a short document.

9 THE PRESIDENT: Well, I do not know how long
10 the certificate is, but the witness has perused several
11 pages very slowly.

12 A This is a long document, extending to six
13 pages, and I cannot read it in a short time. I can
14 hardly believe that such a very lengthy decision was
15 ever arrived at during the course of an Imperial Con-
16 ference. According to my recollection, the Foreign
17 Minister's explanation was very brief, and I believe
18 it extended only to one page.

19 Q Go ahead and read it; don't give it up.

20 THE PRESIDENT: We will adjourn until half-
21 past nine tomorrow morning.

22 (Whereupon, at 1600, an adjourn-
23 ment was taken until Friday, 10 October,
24 1947, at 0930.)
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